

## **09-O-1184**

### **A SUBSTITUTE ORDINANCE**

**BY: FINANCE/EXECUTIVE COMMITTEE**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT AND ENTER INTO A CONTRACTUAL AGREEMENT BETWEEN THE CITY OF ATLANTA AND THE GEORGIA ENVIRONMENTAL FACILITIES AUTHORITY ("GEFA") STATE REVOLVING FUND LOAN PROGRAM FOR THE PURPOSES OF SECURING A SUBSIDIZED LOAN UNDER THE CLEAN AND DRINKING WATER STATE REVOLVING FUND; TO AMEND THE FY 2010 BUDGET TO ANTICIPATE AND APPROPRIATE FUNDS IN AMOUNT NOT TO EXCEED FIFTEEN MILLION DOLLARS AND NO CENTS (\$15,000,000.00); AND FOR OTHER PURPOSES.**

**WHEREAS**, the United States Congress passed a Federal Economic Package which made funds available to local governments through the American Recovery and Reinvestment Act of 2009 for the improvement of water and sewer infrastructure; and

**WHEREAS**, these funds have been made available through Georgia Environmental Facilities Authority under the Clean and Drinking Water State Revolving Loan Funds ("GFEA Loan"); and

**WHEREAS**, the Resolution 09R0624 adopted by the Atlanta City Council on April 20, 2009 and approved by the Mayor on April 27, 2009, authorized the Mayor to apply for a subsidized loan from the Georgia Environmental Facilities Authority under the Clean and Drinking Water State Revolving Fund in amount not to exceed Fifteen Million Dollars and No Cents (\$15,000,000.00) for a maximum term of twenty years at 3 percent (3%); and

**WHEREAS**, the funds received from GEFA under the Loan Agreements are for the purposes of upgrading and repairing existing infrastructure, conducting stream restoration, combined sewer relief, and improvements to the energy efficiency of sewer treatment facilities; and

**WHEREAS**, the City did apply for a drinking water system GEFA Loan in the amount Nine Million Two Hundred Thousand Dollars (\$9,200,000.00) for Department of Watershed Management Water Tank Painting and Structural Repairs in which forty percent (40%) of the money allocated must be in the form of forgiveness in the form of principal forgiveness, negative interests loans or grants; and

**WHEREAS**, the City did apply for a wastewater system GEFA Loan in the amount of Four Million Five Hundred Thousand Dollars (\$4,500,000.00) for the RM Clayton Wastewater Treatment Plant Combined Heat and Power System in which sixty percent (60%) of the money allocated must be in the form of forgiveness in the form of principal forgiveness, negative interests loans or grants; and

**WHEREAS**, the City of Atlanta ("City ") anticipates receiving an amount not of Thirteen Million Seven Hundred Thousand Dollars (\$13,700,000.00) of Clean and Drinking Water State Revolving Loan Funds for a maximum term of twenty years for; and

**WHEREAS**, these funds need to be anticipated and appropriated into an account to be built by Finance;  
and

**WHEREAS**, in mutual promises of said agreed upon contract, and subject to certain terms and conditions, the City of Atlanta desires to agree to accept a loan from GEFA for the Clean and Drinking Water State Revolving Loan Fund on behalf of the Department of Watershed Management.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, *as follows:***

**SECTION 1:**

That the Mayor is authorized to accept a subsidized loan from the Georgia Environmental Facilities Authority ("GEFA"), under the Clean Water Revolving Fund in amount not to exceed Thirteen Million Seven Hundred Thousand Dollars (\$13,700,000.00) for a maximum term of twenty years at 3 percent (3%).

**SECTION 2:**

That Nine Million Two Hundred Thousand Dollars (\$9,200,000.00) of the Thirteen Million Seven Hundred Thousand Dollars (\$13,700,000.00) in GEFA Loans be administered for Department of Watershed Management Water Tank Painting and Structural Repairs.

**SECTION 3:**

That Four Million Five Hundred Thousand Dollars (\$4,500,000.00) of the Thirteen Million Seven Hundred Thousand Dollars (\$13,700,000.00) in GEFA Loans be administered for the RM Clayton Wastewater Treatment Plant Combined Heat and Power System.

**SECTION 4:**

That the Chief Financial Officer is authorized to amend the FY 2010 Budget as follows:

**TRANSFER FROM APPROPRIATIONS**

**(TO BE BUILT BY FINANCE)**

**FDOA**

XXXX

XXXXXX

XXXXXX

XXXXXX

\$13,700,000.00

**RENEWAL & EXTENSION FUND GENERAL RESERVE**

**FDOA:5052 200101 5999901 1512000**

\$ 1,300,000.00

\$15,000,000.00

**TRANSFER TO APPROPRIATIONS**

**(TO BE BUILT BY FINANCE)**

**FDOA**

XXXX

XXXXXX

XXXXXXX

XXXXXXX

\$15,000,000.00

**SECTION 5:**

That all Ordinances and parts of Ordinances in conflict herewith are hereby waived to the extent of the conflict.

**AN ORDINANCE  
BY FINANCE/EXECUTIVE COMMITTEE**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT AND ENTER INTO A CONTRACTUAL AGREEMENT BETWEEN THE CITY OF ATLANTA AND THE GEORGIA ENVIRONMENTAL FACILITIES AUTHORITY (“GEFA”) STATE REVOLVING FUND LOAN PROGRAM FOR THE PURPOSES OF SECURING A SUBSIDIZED LOAN UNDER THE CLEAN AND DRINKING WATER STATE REVOLVING FUND; TO AMEND THE FY 2010 BUDGET TO ANTICIPATE AND APPROPRIATE FUNDS IN AMOUNT NOT TO EXCEED FIFTEEN MILLION DOLLARS AND NO CENTS (\$15,000,000.00); AND FOR OTHER PURPOSES.**

**WHEREAS**, the Resolution 09R0624 adopted by the Atlanta City Council on April 20, 2009 and approved by the Mayor on April 27, 2009, authorized the Mayor to apply for a subsidized loan from the Georgia Environmental Facilities Authority under the Clean and Drinking Water State Revolving Fund in amount not to exceed Fifteen Million Dollars and No Cents (\$15,000,000.00) for a maximum term of twenty years at 3 percent (3%); and

**WHEREAS**, the funds received from GEFA under the Loan Agreements are for the purposes of upgrading and repairing existing infrastructure, conducting stream restoration, combined sewer relief, and improvements to the energy efficiency of sewer treatment facilities; and

**WHEREAS**, the City anticipates receiving an amount not to exceed Fifteen Million Dollars and No Cents (\$15,000,000.00) of Clean and Drinking Water State Revolving Loan Funds for a maximum term of twenty years; and

**WHEREAS**, these funds need to be anticipated and appropriated into an account to be built by Finance; and

**WHEREAS**, in mutual promises of said agreed upon contract, and subject to certain terms and conditions, the City of Atlanta desires to agree to accept a loan from GEFA for the Clean and Drinking Water State Revolving Loan Fund on behalf of the Department of Watershed Management.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, *as follows:***

**SECTION 1:**

That the Mayor is authorized to accept a subsidized loan from the Georgia Environmental Facilities Authority (“GEFA”), under the Clean Water Revolving Fund in amount not to exceed Fifteen Million Dollars and No Cents (\$15,000,000.00) for a maximum term of twenty years at 3 percent (3%).

**SECTION 2:**

That the Chief Financial Officer is authorized to amend the FY 2010 Budget as follows:

**TRANSFER FROM APPROPRIATIONS**

**(TO BE BUILT BY FINANCE)**

**FDOA**

XXXX

\$15,000,000.00

XXXXXX

XXXXXXX

XXXXXXX

**TRANSFER TO APPROPRIATIONS**

**(TO BE BUILT BY FINANCE)**

**FDOA**

XXXX

\$15,000,000.00

XXXXXX

XXXXXXX

XXXXXXX

**Section 3:**

That all Ordinances and parts of Ordinances in conflict herewith are hereby waived to the extent of the conflict.

RCS# 3125  
7/06/09  
2:29 PM

Atlanta City Council

REGULAR SESSION

CONSENT II

REFER

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 1  
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	B Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	E Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT II

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

**Committee of Purview:** FINANCE/EXECUTIVE COMMITTEE

**Caption:** AN

**AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT AND ENTER INTO A CONTRACTUAL AGREEMENT BETWEEN THE CITY OF ATLANTA AND THE GEORGIA ENVIRONMENTAL FACILITIES AUTHORITY ("GEFA") STATE REVOLVING FUND LOAN PROGRAM FOR THE PURPOSES OF SECURING A SUBSIDIZED LOAN UNDER THE CLEAN AND DRINKING WATER STATE REVOLVING FUND; TO AMEND THE FY 2010 BUDGET TO ANTICIPATE AND APPROPRIATE FUNDS IN AMOUNT NOT TO EXCEED FIFTEEN MILLION DOLLARS AND NO CENTS (\$15,000,000.00); AND FOR OTHER PURPOSES.**

**Council Meeting Date:** July 6, 2009

**Requesting Dept.:** Watershed Management

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

***Example: The purpose of this legislation is to anticipate funds from a local assistance grant to purchase child safety seats.***

The purpose of this legislation is to authorize the Mayor to accept a subsidized loan from the Georgia Environmental Facilities Authority ("GEFA"), under the Clean Water Revolving Fund in amount not to exceed Fifteen Million Dollars and No Cents (\$15,000,000.00) for a maximum term of twenty years at 3 percent (3%).

**2. Please provide background information regarding this legislation.**

***Example: The task force of homelessness conducted a study regarding homelessness, its impact and consequences on the City. This resolution reflects the Mayor's desire to open a twenty-four hour center that will respond to the needs of the homelessness in Atlanta.***

The Resolution 09R0624 adopted by the Atlanta City Council on April 20, 2009 and approved by the Mayor on April 27, 2009, authorized the Mayor to apply for a subsidized loan from the Georgia Environmental Facilities Authority under the Clean Water Revolving Fund in amount not to exceed Fifteen Million Dollars and No Cents (\$15,000,000.00) for a maximum term of twenty years at 3 percent (3%)

**3. If Applicable/Known:**

(a) Contract Type (e.g. Professional Services, Construction Agreement, etc):

(b) Source Selection:

(c) Bids/Proposals Due:

(d) Invitations Issued:

(e) Number of Bids:

(f) Proposals Received:

(g) Bidders/Proponents:

(h) Term of Contract:

4. Fund Account Center (*Ex. Name and number*): To be built by finance.

Fund: \_\_\_\_\_ Account: \_\_\_\_\_ Center: \_\_\_\_\_

5. Source of Funds: *Example: Local Assistance Grant* GEFA Loan Fund

6. Fiscal Impact: \$15,000,000

*Example: This legislation will result in a reduction in the amount of \_\_\_\_\_ to Fund Account Center Number \_\_\_\_\_.*

7. Method of Cost Recovery: n/a

*Examples:*

- a. Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.*
- b. Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.*

This Legislative Request Form Was Prepared By: Maisha L. Wood



TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: \_\_\_\_\_ Maisha L. Wood \_\_\_\_\_

Contact Number: \_\_\_\_\_ (404) 330-6887 \_\_\_\_\_

Originating Department: \_\_\_\_\_ Department of Watershed Management \_\_\_\_\_

Committee(s) of Purview: \_\_\_\_\_ Finance/Executive \_\_\_\_\_

Chief of Staff Deadline: \_\_\_\_\_ June 16, 2009 \_\_\_\_\_

Anticipated Committee Meeting Date(s): \_\_\_\_\_ July 1, 2009 \_\_\_\_\_

Anticipated Full Council Date: \_\_\_\_\_ July 6, 2009 \_\_\_\_\_

Legislative Counsel's Signature: \_\_\_\_\_

Commissioner Signature: \_\_\_\_\_ Robert G. Hunter \_\_\_\_\_

Chief Procurement Officer Signature: \_\_\_\_\_ n/a \_\_\_\_\_

**CAPTION**

AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT AND ENTER INTO A CONTRACTUAL AGREEMENT BETWEEN THE CITY OF ATLANTA AND THE GEORGIA ENVIRONMENTAL FACILITIES AUTHORITY ("GEFA") STATE REVOLVING FUND LOAN PROGRAM FOR THE PURPOSES OF SECURING A SUBSIDIZED LOAN UNDER THE CLEAN AND DRINKING WATER STATE REVOLVING FUND; TO AMEND THE FY 2010 BUDGET TO ANTICIPATE AND APPROPRIATE FUNDS IN AMOUNT NOT TO EXCEED FIFTEEN MILLION DOLLARS AND NO CENTS (\$15,000,000.00); AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any): \$15,000,000.00

Mayor's Staff Only

Received by CPO: \_\_\_\_\_ Received by LC from CPO: \_\_\_\_\_  
(date) (date)

Received by Mayor's Office: 6/15/09 me Reviewed by: \_\_\_\_\_  
(date) (date)

Submitted to Council: \_\_\_\_\_  
(date)